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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 FERNANDO GASTELUM, ) Case No.: 1:21-cv-01164-NONE-JLT  
12 Plaintiff, )  
13 v. ) ORDER TO THE PLAINTIFF TO SHOW CAUSE  
14 NORTHWEST TARGET LLC, et al., ) WHY SANCTIONS SHOULD NOT BE IMPOSED  
15 Defendants. ) FOR HIS FAILURE TO COMPLY WITH THE  
16 ) COURT'S ORDERS AND TO PROSECUTE THIS  
 ) CASE; ORDER CONTINUING THE  
 ) SCHEDULING CONFERENCE.  
 )

17 The Clerk of Court issued the summonses in this case on August 20, 2021 (Doc. 3) The order  
18 setting the mandatory scheduling conference reads,

19 The Court is unable to conduct a scheduling conference until defendants have been  
20 served with the summons and complaint. Accordingly, plaintiff(s) shall diligently  
21 pursue service of summons and complaint and dismiss those defendants against whom  
22 plaintiff(s) will not pursue claims. Plaintiff(s) shall promptly file proofs of service of  
23 the summons and complaint so the Court has a record of service. Counsel are referred  
24 to F.R.Civ.P., Rule 4 regarding the requirement of timely service of the complaint  
25 Failure to timely serve the summons and complaint may result in the imposition of  
26 sanctions, including the dismissal of unserved defendants.

27 (Doc. 6 at 1) However, the plaintiff has not filed proofs of service, and the defendants have not  
28 appeared in the action. Therefore, the Court **ORDERS**:

1. **No later than November 15, 2021**, the plaintiff **SHALL** show cause why sanctions  
should not be imposed for the failure to prosecute this action and to serve the summons and complaint

1 in a timely fashion as ordered. Alternatively, the plaintiff may file a proof of service demonstrating the  
2 summons and complaint has been served.

3 2. The scheduling conference is **CONTINUED** to January 7, 2022 at 9:00 a.m.

4 Failure to respond may result in the Court recommending dismissal of the action.

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6 IT IS SO ORDERED.

7 Dated: **November 3, 2021**

**/s/ Jennifer L. Thurston**  
8 CHIEF UNITED STATES MAGISTRATE JUDGE  
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